

**UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
1:10cv10-RJC-DLH**

UNITED COMMUNITY BANK,

Petitioner,

v.

**CHARLES D. McCARTHY,
JENNIFER OBIORA, and
VICTORIA G. SCHMEHL,**


Defendants.

ORDER

THIS MATTER is before the Court on the plaintiff's motion for voluntary dismissal without prejudice as to respondent Victoria G. Schmehl. (Doc. No. 20). The plaintiff has been unable to serve process upon respondent Schmehl, and the 120-day period since the filing of the initial petition has expired. See Fed. R. Civ. P. 4(m).

IT IS, THEREFORE, ORDERED that the plaintiff's motion for voluntary dismissal without prejudice as to respondent Victoria G. Schmehl (Doc. No. 20) is **GRANTED**. The plaintiff's claims against Schmehl in this matter are hereby **DISMISSED WITHOUT PREJUDICE**.

Signed: September 7, 2010


Robert J. Conrad, Jr.
Chief United States District Judge

